

REMARKS/ARGUMENTS

Amendments

The claims have been amended to a different format, in which nucleotide sequences are recited. The sequences disclosed in the new set of claims all possess the elected nucleotide sequence 5'- GCAUGG - 3' (see below). The new set of claims is based on and finds support from the former set of claims and the description as follows:

New claim	Support in set of claims as originally filed	Support in the description as filed
20	16 and 23	Figures 1A, 1B, 2, 3, 4, 6 and 7B; Examples 1 to 7
21	16 and 23	Figures 1A, 1B, 2, 3, 4, 6 and 7B; Examples 1 to 4 and 7
22	16 and 23	Figures 4 and 6 ; Examples 1, 2, 5 and 6
23	---	Figures 1A, 1B, 2, 3, 4, 6 and 7B; Tables 3 and 8
24	25	Figures 1A, 1B, 2, 3, 4, 6 and 7B
25	26	Sentence bridging pages 13 and 14; Page 10, lines 25 to 27
26	27	Page 8, lines 5 to 15; Examples 1 to 5 and 7
27	28	Page 8, lines 5 to 15
28	29	Page 8, lines 5 to 15; Examples 1 to 5 and 7
29	30	Page 8, lines 5 to 15; Example 6
30	1	Examples 1 to 7
31	---	Page 9, lines 18-19, page 24, lines 3 to 24,

		Table 5, paragraph bridging pages 27 and 28, Table 6
32	12	Page 8, lines 5 to 15; Examples 1 to 5 and 7
33	13	Page 8, lines 5 to 15

Fresh written and computer-readable copies of the sequence listing have been provided.

The sequence listing has been amended to include the sequences set forth in the claims as amended. In addition, subheading <213> of SEQ ID NO: 43 has been amended to “Human Delta Virus”, subheading <223> of SEQ ID NO: 56 has been amended to “RT primer” and subheading <213> of SEQ ID NOs: 55, 56, 57, 58, 59 and 60 has been amended to “Artificial Sequence”.

As stated above, the written copy of the sequence listing submitted herewith includes no new matter and the information recorded in computer-readable form is identical to the written sequence listing and includes no new matter.

Election/Restriction

It is acknowledged that the sequence 5'- GCAUGG - 3' has been elected. The claims have been amended to remove non-elected subject matter. Applicants reserve the right to pursue any subject matter removed by this amendment in one or more divisional applications.

Claim Rejections – 35 USC § 112

Claims 1 to 19 have been rejected under 35 USC § 112 as being indefinite. In response, Applicants respectfully submit the following.

The terms “bottom end” and “H” are not present in the claims as amended, thereby rendering the rejection moot.

Regarding the term “triplet”, Applicants respectfully submit that this term is clear and would be understood by one of skill in the art. Indeed, on page 9, lines 22 to 30, the application reads: “The fourth nucleotide 3’ to the cleavage site is capable of forming a conventional Watson-Crick base pair...and a non-conventional Watson-Crick base pair...”. As such, the “triplet” comprises both a conventional Watson-Crick base pair and a non-conventional Watson-Crick. In embodiments, non-conventional Watson-Crick base pairs include Hoogsteen pairs and reversed-Hoogsteen pairs.

In view of the foregoing, Applicants respectfully submit that the claims, as presently amended, are clear and request that the rejection be withdrawn.

Claims 1 to 17 have been rejected as allegedly not complying with the written description requirement under 35 USC § 112. Applicants respectfully traverse this rejection in view of the amendments submitted herewith. Applicants respectfully submit that the claims as presently amended comply with the written description requirement under 35 USC § 112 and request that the rejection be withdrawn.

Claim Rejections – 35 USC § 102

Claims 1 to 19 have been rejected under 35 USC § 102(a) as being anticipated by Ananvoranich et al. Applicants respectfully submit that this rejection is not applicable, in view of the following.

The instant application is a continuation under 37 CFR § 1.53(b) of PCT application PCT/CA99/00391 filed April 29, 1999, which in turn claims priority under Article 4 of the Paris Convention/Article 8 of the PCT from Canadian application 2,230,203 filed April 29, 1998. Therefore, Applicants respectfully submit that the Canadian priority application for the instant case, which describes the subject matter of claims 1-19, was filed (April 29, 1998) prior to the publication of Ananvoranich et al. (May 22, 1998). As such, Applicants respectfully submit that Ananvoranich et al. cannot be cited under 35 USC § 102(a). In this regard, Applicants enclose a certified copy of

the Canadian priority application for consideration by the Examiner. In view of the foregoing, Applicants respectfully request that the rejection be withdrawn.

It is respectfully submitted that the claims are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of the claims at an early date is solicited.

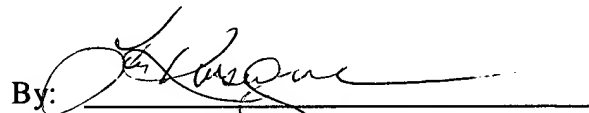
It is believed this responds to all of the Examiner's concerns, however if the Examiner has any further questions, she is invited to contact the undersigned. Further, if the Examiner does not consider that the application is in a form for allowance, an interview with the Examiner is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Jones Day's Deposit Account No. 50-2468.

Respectfully submitted,

JONES DAY

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